

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ORCA SECURITY LTD.,)	
)	
Plaintiff,)	
)	C.A. No. 23-758 (JLH)
v.)	
)	REDACTED - PUBLIC VERSION
WIZ, INC.,)	Original filing date: August 29, 2024
)	Redacted filing date: September 4, 2024
Defendant.)	

JOINT MOTION FOR TELECONFERENCE TO RESOLVE DISCOVERY DISPUTES

Pursuant to the Court’s Oral Order dated August 22, 2024 (D.I. 123), Section 8(g) of the Scheduling Order (D.I. 33, D.I. 90), and Section 3(a)(iii) of the Stipulation and Order Regarding Discovery of Electronically Stored Information (D.I. 71), Plaintiff Orca Security Ltd. and Defendant Wiz, Inc. met and conferred to further reduce the issues^{1,2} identified in the parties’ joint motions for teleconference filed on July 2, 2024, July 19, 2024, and August 21, 2024 (D.I. 95, 108, 120), and respectfully move the Court to resolve the following discovery disputes during the September 11, 2024 teleconference:

¹ Defendant notes that despite its efforts to resolve disputes as it understood the Court was asking the parties to do, Plaintiff does not consider any of the issues it raised previously to be “resolved”; instead, it “prioritized” disputes it wants the Court to hear on September 11. Defendant will address the argumentative language Plaintiff includes in its footnote in Defendant’s letter briefing.

² Defendant would not permit the filing of this paper without inclusion of its argumentative footnote regarding the scope of the Court’s order. As the Court required, Plaintiff reduced the issues before the Court for the September 11 teleconference and agreed to continue working with Defendant to try to reach resolution regarding the removed issues. Plaintiff notes that it raised many of its discovery issues months ago and Wiz waited until days before this filing to represent that it would produce certain documents or provide additional responses. Wiz has yet to actually produce any of those documents or provide a date certain for expected productions, thus Plaintiff has reserved its ability to re-raise those disputes in the future if need be.

Plaintiff Orca Security Ltd.'s Issue(s) For Teleconference:

1. Defendant's deficient responses to Orca's Interrogatory Nos. 2 and 6 and withholding of source code, git history, and JIRA documents;
2. Defendant's deficient responses to Orca's Second Set of Requests for Production (Nos. 84-90);
3. Defendant's deficient responses to Orca's Third Set of Requests for Production (Nos. 91, 92, 94 and 113);
4. Defendant's deficient production of documents and communications exchanged with or disclosed to [REDACTED] that are responsive to Orca's Requests for Production Nos. 16-23, 25-27, 38, 44, 49, 57, 68, 73, 95, 135, 154-55, 157, and 159-61; and
5. Defendant's deficient response to Orca's Interrogatory No. 15.

Defendant Wiz, Inc.'s Issue(s) For Teleconference:

1. Plaintiff's deficient responses to Defendant's Interrogatory Nos. 2, 4, 12, and 13;
2. Plaintiff's deficient responses to Wiz's Requests for Production Nos. 54 and 73; and
3. Plaintiff's deficient production of core technical documents pursuant to the Default Standard for Discovery, Including Discovery of Electronically Stored Information, ¶ 4.b.

The following attorneys, including at least one Delaware Counsel and at least one Lead Counsel per party, participated in one or more verbal meet-and-confers by telephone on the following dates: July 9, 2024, August 2, 2024, August 14, 2024, August 16, 2024, and August 27, 2024.

Delaware Counsel:

- Orca: Jack Blumenfeld and Rodger Smith (Morris, Nichols, Arsht & Tunnell);
- Wiz: Fred Cottrell, Christine Haynes, and Kelly Farnan (Richards, Layton & Finger)

Lead Counsel:

- Orca: Blake Davis, Chris Henry, Krissy McKenna, Lucas Lonergan, Peter Hoffman, and Nicole Bruner (Latham & Watkins);
- Wiz: Jordan, Jaffe, Caty Lacey, Lisa Zang, Praatika Prasad, Alex Miller, and Sachli Nayeri (Wilson Sonsini)

The parties are available for a teleconference on September 11, 2024 at 3:00 pm ET, i.e., the date and time the Court set for a teleconference to resolve discovery disputes (D.I. 95), or will otherwise make themselves available at the Court's convenience.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Rodger D. Smith II

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August 29, 2024

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